

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KELLES JACKSON, )  
                        )  
Petitioner,         )  
                        )  
v.                     )      **Case No. CIV-18-876-R**  
                        )  
J. FOX. WARDEN, et al., )  
                        )  
Respondents.         )

**ORDER**

Petitioner filed this action pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. In lieu of payment of the \$5.00 filing fee, Petitioner filed an application for leave to proceed in forma pauperis. On September 21, 2018, United States Magistrate Judge Suzanne Mitchell, to whom the case had been referred for preliminary review, issued a Report and Recommendation wherein she recommended that Petitioner's application for leave to proceed in forma pauperis be denied because he has adequate resources to pay the \$5.00 filing fee. The record reflects that Petitioner has not filed a timely objection to the Report and Recommendation nor sought an extension of time in which to respond. Accordingly, the Court hereby ADOPTS the Report and Recommendation, DENIES the application for leave to proceed in forma pauperis, and ORDERS Petitioner to submit the \$5.00 payment not later than November 15, 2018. Failure to tender payment will result in dismissal without prejudice, without additional notice.

**IT IS SO ORDERED** this 18<sup>th</sup> day of October 2018.



SCOTT L. PALK  
UNITED STATES DISTRICT JUDGE